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6	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
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8	Paul Williams, an individual,	In admiralty and at Law
9	Plaintiff,	,
10	V.	No. 2:10 cv 01936
11	Ocean Cape LLC and Dave Olney,	COMPLAINT FOR CREW WAGES
12	Defendants.	
13	I. PARTIES	
14	1.1 Plaintiff Paul Williams is an i	ndividual residing in King County
15	Washington at all material times.	
16	1.2 The plaintiff was a crewmember employed aboard the F/V Ocean	
17	Cape from on or about April 2009 through June 2009 as a seaman. Pursuant to 28	
18	U.S.C. § 1916, Plaintiff Paul Williams is eligible to institute suit without fees or costs.	
19	1.3 The Ocean Cape LLC is a Washington Corporation and is the owner of	
20	the F/V OCEAN CAPE.	
21	1.4 Dave Olney is the owner of Ocean Cape LLC and is the party	
22	responsible for paying crew wages.	
23	II. JURISDICTION	AND VENUE

- 2.1 This lawsuit alleges claims for seamen's wages and breach of contract. This court has jurisdiction pursuant to 28 USC 1333 (admiralty) and §1331 (Federal Question). This court has subject matter jurisdiction over the action and personal jurisdiction over the parties.
- 2.2 Venue is proper in United States District Court in the Western District of Washington at Seattle.

III. CAUSES OF ACTION

- 3.1 The plaintiff was employed as crewmember aboard the F/V OCEAN CAPE from April 2009 and July 2009.
- 3.2 Upon information and belief, the plaintiffs worked as crewmembers pursuant to an oral contract of employment during his entire period aboard the vessel. Federal law sets the plaintiff's wage rate at the highest rate in the port, which is, upon information and belief, \$500.00 per day. Upon information and belief there was no statutorily compliant written crewmember agreement.
- 3.3 The defendants breached the contract when it did not pay the plaintiff's crew wages upon discharge. Defendants still have not paid the wages and has failed to give an accounting, in violation of 46 USC §10602.
- 3.4 The defendants' refusal to pay wages and give an accounting constitute willful and recalcitrant violation of state and federal wage statutes entitling the plaintiff to double damages as a penalty, plus attorneys fees.
- 3.5 Pursuant to Washington state law, defendant Olney as the individual who willfully violates the Washington state wage laws is personally liable for the wages penalties.

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3.6 As a result of the foregoing, the plaintiff has been damaged in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

- 1. Judgment against the defendants jointly and severally, for damages including but not limited to base wages in the amount of highest wage in the port, and double wages as penalty damages under Washington Law;
 - 2. Attorneys fees and costs;
 - 3. Any other and additional relief the court deems just and proper.

DATED this 30th day of November, 2010.

/s/ William Keller

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